

Appl. No. 10/729,727
Request for Reconsideration dated September 30, 2005
Reply to Office Action of July 1, 2005

REMARKS/ARGUMENTS

Claims 1, 2, 4, 6, 11 - 14, 16 and 17 are in the application for consideration. Reconsideration of the application is requested in view of the statements appearing below herein.

1. Claims 1, 4, 11, 12 and 13 have been rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent 4,179,397 ("Rohowetz et al.").

Applicants traverse this ground of rejection. The reference does not teach each and every element of the claims. Claim 1 is directed to an indicia-bearing article and recites, in pertinent part

wherein one of said color-forming components is an acid-sensitive leuco dye and the other of said components is an acid developer...

Rohowetz et al. does not teach such a combination of color-forming components.

Rohowetz et al. teaches thermotropic ink compositions which change color in the presence of water or steam at elevated temperatures. The ink compositions are described as being suitable for use in ink jet printers or in contact printers. The compositions include a binder resin component, an alcohol solvent and a combination of dyes which produce a visible and

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permanent color change in the presence of water or steam at elevated temperatures.

The reference discloses that "Suitable dyes...are those which function in combination to undergo a visible and permanent color change when exposed to temperatures above 120°F in the presence of moisture." (column 3, lines 64 - 67). At column 4, lines 23 - 37, specific suitable dyes are mentioned. The dyes are discrete compounds which are colored.

The reference does not teach the use of an acid-sensitive leuco dye and an acid developer in combination as color-forming components to form indicia on an article. The reference does not specifically teach each and every element of the claimed subject matter of applicants.

Reconsideration of this ground of rejection and withdrawal thereof are respectfully requested.

2. Claims 2, 6, 14, 16 and 17 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Rohowetz et al in view of U.S. Patent 6,358,160 ("Winskowitz"). In support of the rejection it is stated that Winskowitz teaches a golf ball which changes color or other indicia after significant immersion in water as well as the dyes that may be used should be water-soluble and may vary from a broad range of industrial dye material.

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Applicants traverse this ground of rejection. The references, viewed together, do not teach or suggest the presently claimed subject matter within the meaning of Section 103.

It has been shown that Rohowetz et al. does not teach or suggest the use of an acid-sensitive leuco dye and an acid developer in combination as color-forming components to form indicia on an article. Winskowitz does not provide the disclosure which is necessary to properly support a rejection under Section 103.

The examiner has acknowledged, in the previous Office Action mailed November 3, 2004, that Winskowitz does not teach the use of an acid-sensitive leuco dye in combination with an acid developer to form indicia on an article. Further, the reference does not anywhere suggest using a combination of two or more color-changing or color-forming components to form indicia on an article. Thus, the references lack the requisite suggestion needed to properly support a rejection under Section 103. One skilled in the art and knowing of Rohowetz et al. and Winskowitz would not find any suggestion therein that would place them in possession of applicants' claimed subject matter.


Reconsideration of this ground of rejection and withdrawal thereof are respectfully requested.

In summary, claims 1, 2, 4, 6, 11 - 14, 16 and 17 remain in the application for consideration and have been shown to be patentably distinguishable over the

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prior art of record. Reconsideration of the application
and allowance of the claims are respectfully requested.

Respectfully submitted,



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